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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,238	04/10/2006	Nercivan Kerimovska	9342-98	9239
20792 7590 12/13/2007 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER JACKSON, JAKIEDA R	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,238	Applicant(s) KERIMOVSKA ET AL.	
	Examiner Jakieda R. Jackson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-20,23-35,37 and 39-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-20,23-35,37 and 39-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 2, 2007 has been entered.

Response to Arguments

2. Applicant argues regarding claim 39, that nowhere do the cited portions of Ryu disclose or suggest that the mobile telephone headset includes a speech generating device built into the mobile phone. Applicant's arguments are persuasive, but are moot in view of new grounds of rejections.

Regarding claim 1 and newly added claim 40, Applicant argues that Freeland fails to disclose or suggest that the speech generating device is attachable to the apparatus and the control unit is configured to send the extracted part of the displayed data to the speech generating device at a fixed and/or controllable rate based on user interaction with the display. Applicants arguments are persuasive, but are moot in view of new grounds of rejections.

Applicant further argues that Kirby is directed to providing text based on speech, while Applicant's invention is based on text to speech conversions. Applicant's arguments are persuasive, but are moot in view of new grounds of rejections.

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Applicant also argues regarding claim 42, that none of the cited portions of Ryu, Freeland or Kirby disclose or suggest using the entry of spaces and/or punctuation marks to control the transmission of data to a speech generating device. Applicants' arguments are persuasive, but are moot in view of new grounds of rejections.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-7, 9-20, 23-35 and 37, 39-43** are rejected under 35 U.S.C. 102(e) as being anticipated by Roth et al. (PGPUB 2004/0049388), hereinafter referenced as Roth.

Regarding **claim 1**, Roth discloses an apparatus comprising:

a display configured to display various readable data (displays on the touch screen; column 6, paragraph 0120); and

a control unit (CPU/microprocessor) configured to extract at least a part of the displayed data and configured to send the extracted part of the displayed data to a

speech generating device that is configured to generate speech from the extracted part of the displayed data (column 6, paragraph 0120),

wherein the speech generating device (speech recognition) is attachable to the apparatus (cell phone; column 3, paragraph 0034), and wherein the control unit is configured to send the extracted part of the displayed data to the speech generating device at a fixed and/controllable rate based on user interaction with the display comprising scrolling (scroll) and/or voice control input received from a user (column 28, paragraphs 0371-0373).

Regarding **claim 2**, Roth discloses an apparatus wherein the control unit is configured to automatically send said extracted part of the displayed data to the speech generating device a line or word at a time at a fixed and/or controllable rate (user scrolls to a selection; column 28, paragraphs 0371-0373).

Regarding **claim 3**, Roth apparatus wherein the control unit is configured to send said extracted part of the displayed data to the speech generating device a line based on scrolling the display (user scrolls to a selection; column 28, paragraphs 0371-0373).

Regarding **claims 4 and 23**, Roth discloses an apparatus wherein displayed data includes text from menus (menu; column 8, paragraph 0140), text messages, help information (help mode; column 2, paragraph 0029), calendars and/or confirmation of actions taken with the apparatus.

Regarding **claims 5 and 24**, Roth discloses an apparatus wherein the control unit is configured to send said extracted part of the displayed data to the speech

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generating device a line or word at a time based on inputting characters to the apparatus (user scrolls to a selection; column 28, paragraphs 0371-0373).

Regarding **claims 6, 25 and 42**, Roth discloses an apparatus wherein the control unit is configured to send the displayed data responsive to input of definite characters including letters (letters) , signs, spaces and/or punctuation (punctuation; column 2, paragraph 0025 and column 9, paragraph 0154 with column 11, paragraph 0184 and column 19, paragraph 0270).

Regarding **claims 7 and 26**, Roth discloses an apparatus and method wherein the control unit is configured to extract the displayed data from a selected file and automatically send the displayed data to the speech generating device at a fixed and/or controllable rate (user scrolls to a selection; column 28, paragraphs 0371-0373).

Regarding **claims 14, 33 and 43**, Roth discloses an apparatus wherein the speech of the speech signal is adjustable (speed; column 27, paragraph 0355).

Regarding **claims 15 and 34**, Roth discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to a memory device containing language information including various languages, abbreviation list and/or dictionaries (dictionaries; column 1, paragraph 0019).

Regarding **claims 16 and 35**, Roth discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to a memory device containing voice settings (speech settings; column 9, paragraph 0156).

Regarding **claim 17**, Roth discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to the apparatus via a

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system connector having an interface for audio signals (audio signal; column 10, paragraph 0167), serial channels, power leads and/or analog and digital grounds leads.

Regarding **claim 18**, Roth discloses an apparatus wherein the speech generating device includes a functional cover, comprising a shell covering a front of the apparatus and a microprocessor cooperating with a processor of the apparatus (figure 9).

Regarding **claim 19**, Roth discloses an apparatus wherein the apparatus comprises a portable telephone (PDA), a pager, a communicator and/or an electronic organizer, and wherein the display (screen) and the control unit are built into the apparatus (column 6, paragraph 0118-0120 with figure 9).

Regarding **claims 20**, Roth discloses an apparatus, comprising:

a display configured to display various readable data (display; column 6, paragraph 0120);

a control unit (CPU/microprocessor; column 6, paragraph 0120); and

a speech generating device including a conversion circuit therein configured to convert received data to a speech signal (TTS; column 27, paragraph 0352) and configured to be connect to a speaker system (speaker; column 6, paragraph 0120),

wherein the control unit is configured to extract at least a part of the displayed data and send the extracted part of the displayed data to the speech generating device at a fixed and/or controllable rate based on user interaction with the display comprising scrolling (scroll) and /or voice control input received from a user (column 28, paragraphs 0371-0373).

Regarding **claim 27**, Roth discloses an apparatus wherein the speaker system is integrated with the apparatus (speaker; column 6, paragraph 0120).

Regarding **claim 37**, Roth discloses a computer program product comprising a computer readable storage medium having computer readable code embodied therein, the computer readable program code configured to be loaded into internal memory of an apparatus having a display for showing various readable data, the computer readable program code comprising:

computer readable program code configured to achieve the functionality of the apparatus (software code; column 36, paragraph 0458).

Regarding **claim 39**, Roth discloses a wireless communication device, comprising:

a display configured to display various readable data (displays on touch screen; column 6, paragraph 0120);

a speaker (speaker; column 6, paragraph 0120);

a speech generating device built into the mobile phone handset (cell phone; column 3, paragraph 0034) including a conversion circuit therein configured to convert received data to a speech signal (TTS) and provide the speech signal to the speaker (column 27, paragraph 0352); and

a control unit (CPU/microprocessor) configured to extract at least a part of the displayed data and send the extracted part of the displayed data to the speech generating device (column 6, paragraph 0120).

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Regarding **claim 40**, it is interpreted and rejected for the same reasons as set forth in claims 1.

Regarding **claim 41**, Roth discloses a mobile phone headset wherein the control unit is configured to send said extracted part of the displayed data to the speech generating device responsive to input of characters to the mobile phone headset (input buttons; column 6, paragraphs 0118-0120).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 9-13 and 28-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth in view of Freeland et al. (WO 01/57851 A1), hereinafter referenced as Freeland.

Regarding **claims 9 and 28**, Roth discloses a speech recognition apparatus, but does not specifically teach wherein the data is received as ASCII characters.

Freeland discloses an apparatus wherein the data is received as ASCII characters (standard English, such as Americanised English; column 22, lines 22-24 with column 28, lines 6-10), to provide a customized system and apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roth's apparatus wherein the data is received as ASCII characters, as taught by Freeland, to allow the information to be delivered in the preferred language (column 22, lines 20-24).

Regarding **claims 10 and 29**, Roth discloses a speech recognition apparatus, but does not specifically teach wherein the speech generating device includes a conversion circuit is configured to support various selectable languages.

Freeland discloses an apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable languages (other languages can be used; column 22, lines 22-24), to provide a customized system and apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roth's apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable languages, as taught by Freeland, to allow the information to be delivered in the preferred language (column 22, lines 20-24).

Regarding **claims 11 and 30**, Roth discloses a speech recognition apparatus, but does not specifically teach wherein the conversion circuit is configured to download languages via the connected apparatus.

Freeland discloses an apparatus wherein the conversion circuit is configured to download languages via the connected apparatus (upload; column 24, lines 5-18 with

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column 17, lines 8-12), to provide a user-customizable supported word-base with the character TTS system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roth's apparatus wherein the conversion circuit is configured to download languages via the connected apparatus, as taught by Freeland, to allow the user to define which words in the customizable supported word-base which are to be supported word-base, audio format speech samples to provide suitable recorded speech units for each supported word in said supported word-base (column 24, lines 5-12).

Regarding **claims 12 and 31**, Roth discloses a speech recognition apparatus, but does not specifically teach wherein the speech generating device includes a conversion circuit is configured to support various selectable voices.

Freeland discloses an apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable voices (spoken voices; column 22, lines 22-29), to obtain one or more characters speaking in the target language.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roth's apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable voices, as taught by Freeland, to provide a user-customizable supported system (column 34, lines 5-12).

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Regarding **claims 13 and 32**, Roth discloses a speech recognition apparatus, but does not specifically teach wherein the conversion circuit is configured to download the voices via the connected apparatus.

Freeland discloses an apparatus wherein the conversion circuit is configured to download the voices via the connected apparatus (downloading voices; column 40, lines 27-33), to allow the user to customize the apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roth's apparatus wherein the conversion circuit is configured to download the voices via the connected apparatus, as taught by Freeland, to allow the information to be delivered in various sounds and tones, to provide a customized apparatus and method (column 40, line 27- column 41, line 5).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

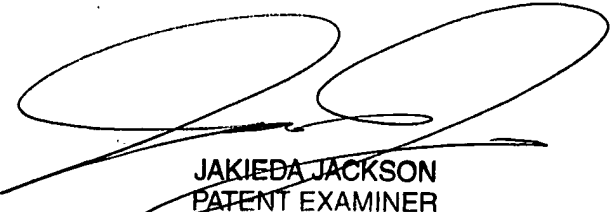
- Everett discloses a portable electronic telecommunication device having capabilities for the hearing-impaired.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJ
December 9, 2007



JAKIEDA JACKSON
PATENT EXAMINER